

Notice of Allowability

Application No.

09/574,985

Applicant(s)

WOLCOTT ET AL.

Examiner

Matthew S. Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief 6/21/06 and Ex. Amend 8/30/2006.
2. ☒ The allowed claim(s) is/are 1-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 8/30/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Primary Examiner

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas J. Strouse (Ph. 585-588-2728) on August 30th, 2006.

The application has been amended as follows:

In the Claims

Amend claims 1, 15, 18 and 24 and cancel claim 36. Claims 1-35 are currently pending in the instant application.

1. (currently amended) A method of providing photographic products and/or photographic services, the method comprising the steps of:

selecting a camera among a selection of cameras for a predetermined time period at a predetermined fee;

selecting a photographic product and/or photographic service plan from a menu of photographic product and/or photographic service plans;

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associating the selected camera with the selected photographic product and/or photographic service plan and creating a product and/or photographic service plan account indicative thereof;

entering said product and/or photographic service plan account into a computer database to maintain a record of photographic products and/or photographic services to be provided with respect to images captured by said selected camera in accordance with the selected photographic product and/or photographic service plan for a predetermined period of time; and

automatically accessing said computer database when images are received from said selected camera and providing the associated photographic product or photographic service according to the photographic product and/or photographic service plan associated with the selected camera.

15. (currently amended) A method of providing photographic products and/or photographic services to a consumer, the method comprising the steps of:

selecting a camera from a plurality of cameras for a predetermined time period at a predetermined fee and selecting a photographic product and/or photographic service by a customer from a menu of photographic products and/or services which are to be associated with said selected camera for a predetermined time period, wherein said photographic product and/or photographic service is provided with respect to images captured by said selected camera;

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maintaining ~~and~~ an account on a computer database of said selected photographic products and/or photographic service associated with said selected camera; and

automatically accessing said account on said computer database with respect to images received from said selected camera and providing said good and or service associated with said selected camera according to the photographic product and/or photographic service plan associated with the selected camera.

18. (currently amended) A method of providing photographic products and/or photographic services, the method comprising the steps of:

selecting a camera from a plurality of cameras for a predetermined time period at a predetermined fee and selecting a photographic product and/or photographic service from a menu of photographic products and/or photographic services by a customer which are to be associated with said camera for a predetermined time period, wherein said photographic products and/or photographic services are provided to film exposed by said selected camera;

maintaining a record of photographic products and/or photographic services of said photographic services and/or photographic products selected by said customer on a computer database to be provided to said customer; and

automatically accessing said computer database for determining said photograph product or service to be provided with respect to received images captured by said

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selected camera according to the photographic product and/or photographic service plan associated with the selected camera.

24. (currently amended) A system for providing photographic products and/or photographic services, the system comprising:

a photographic product and/or photographic service input station into which information with respect to a selected camera for a predetermined time period at a predetermined fee and a selected photographic product and/or photographic service plan which is to be associated with the selected camera for a predetermined period of time is input, said photographic product and/or photographic service input station creating a product and/or photographic service account indicative of the selected camera and the selected photographic product and/or photographic service plan; and

a computer database unit operationally associated with the photographic product and/or photographic service input station which receives and stores the information with respect to the selected camera and the selected photographic product and/or photographic service plan, said computer database unit ~~being adapted to update automatically updating~~ said product and/or photographic service account as photographic product and/or photographic services in accordance with said selected photographic product and/or photographic service plan are requested and completed.

36. (cancelled)

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Regarding claims 1-14

The prior art of record neither anticipates nor fairly and reasonably teaches a method of providing photographic products and/or photographic services, the method comprising, *inter alia*, the steps of:

selecting a camera among a selection of cameras for a predetermined time period at a predetermined fee; and

automatically accessing a computer database when images are received from said selected camera and providing a associated photographic product or photographic service according to a photographic product and/or photographic service plan associated with the selected camera.

The most noteworthy prior art of record is to: Ricoh (PTO-892, Ref U), Cameraworld (PTO-892, Ref V), and Safai (U.S. Patent No. 6,167,469).

However, these references do not teach associating a photographic product and/or photographic service plan with a particular camera, wherein the particular camera is selected for a predetermined time period at a predetermined fee. The prior art teaches associating a photographic product and/or photographic service with images from a particular user but not from a particular device. The instant invention

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automatically accesses a computer database when images are received from a particular device, and associates that particular device with a photographic product and/or photographic service plan determined in advance of actually receiving the captured images. None of the prior art of record remedies these deficiencies.

Regarding claims 15-17

The prior art of record neither anticipates nor fairly and reasonably teaches a method of providing photographic products and/or photographic services to a consumer, the method comprising, *inter alia*, the steps of:

selecting a camera among a selection of cameras for a predetermined time period at a predetermined fee; and

automatically accessing a account on a computer database with respect to images received from said selected camera and providing a good and or service associated with said selected camera according to a photographic product and/or photographic service plan associated with the selected camera.

The most noteworthy prior art of record is to: Ricoh (PTO-892, Ref U), Cameraworld (PTO-892, Ref V), and Safai (U.S. Patent No. 6,167,469).

However, these references do not teach associating a photographic product and/or photographic service plan with a particular camera, wherein the particular camera is selected for a predetermined time period at a predetermined fee. The prior

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art teaches associating a photographic product and/or photographic service with images from a particular user but not from a particular device. The instant invention automatically accesses a computer database when images are received from a particular device, and associates that particular device with a photographic product and/or photographic service plan determined in advance of actually receiving the captured images. None of the prior art of record remedies these deficiencies.

Regarding claims 18-23

The prior art of record neither anticipates nor fairly and reasonably teaches a method of providing photographic products and/or photographic services, the method comprising, *inter alia*, the steps of:

selecting a camera from a plurality of cameras for a predetermined time period at a predetermined fee; and

automatically accessing a computer database for determining a photograph product or service to be provided with respect to received images captured by said selected camera according to a photographic product and/or photographic service plan associated with the selected camera.

The most noteworthy prior art of record is to: Ricoh (PTO-892, Ref U), Cameraworld (PTO-892, Ref V), and Safai (U.S. Patent No. 6,167,469).

However, these references do not teach associating a photographic product and/or photographic service plan with a particular camera, wherein the particular camera is selected for a predetermined time period at a predetermined fee. The prior art teaches associating a photographic product and/or photographic service with images from a particular user but not from a particular device. The instant invention automatically accesses a computer database when images are received from a particular device, and associates that particular device with a photographic product and/or photographic service plan determined in advance of actually receiving the captured images. None of the prior art of record remedies these deficiencies.

Regarding claims 24-35

The prior art of record neither anticipates nor fairly and reasonably teaches a system for providing photographic products and/or photographic services, the system comprising, *inter alia*:

a photographic product and/or photographic service input station into which information with respect to a selected camera for a predetermined time period at a predetermined fee and a selected photographic product and/or photographic service plan which is to be associated with the selected camera for a predetermined period of time is input; and

automatically updating a product and/or photographic service account as photographic product and/or photographic services in accordance with said selected photographic product and/or photographic service plan are requested and completed.

The most noteworthy prior art of record is to: Ricoh (PTO-892, Ref U), Cameraworld (PTO-892, Ref V), and Safai (U.S. Patent No. 6,167,469).

However, these references do not teach automatically updating a photographic product and/or photographic service plan associated with a particular camera, wherein the particular camera is selected for a predetermined time period at a predetermined fee. The prior art teaches associating a photographic product and/or photographic service associated with images from a particular user but not from a particular device. The instant invention automatically updates a service account when images are received from a particular device, and associates that particular device with a photographic product and/or photographic service plan determined in advance of actually receiving the captured images. None of the prior art of record remedies these deficiencies.

COMMENTS

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

JP 08037637A, Publication Date: February 6, 1996, discloses a digital still camera which includes a control device to perform management for recording image data in memory.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to be 'MSG', followed by a long horizontal line extending to the right.

MSG

Primary Examiner

August 30, 2006